

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**CF FRESH, LLC,**

**Plaintiff,**

**vs.**

**CARIOTO PRODUCE, INC., et al.,**

**Defendants.**

**Case No. 1:20-cv-00884-GTS-DJS**

**ORDER GRANTING  
MOTION FOR TURNOVER OF PACA  
TRUST ASSETS HELD BY  
SARATOGA NATIONAL BANK &  
TRUST COMPANY**

**B.C. PRODUCE, INC., et al.,**

**Intervening Plaintiffs,**

**v.**

**CARIOTO PRODUCE, INC., et al.,**

**Defendants.**

**CHURCH BROTHERS, LLC, a  
California limited liability company,**

**Intervening Plaintiff,**

**vs.**

**CARIOTO PRODUCE, INC., et al.,**


**Defendants.**

Before this Court is the motion by Plaintiff, CF Fresh, LLC, and Intervening Plaintiffs, Church Brothers, LLC, B.C. Produce, Inc., B & R Produce Packing Co., Inc., Garden Fresh Salad Co., Inc., Peter Condakes Company, Inc. and Travers Fruit Company, Inc., seeking a Court Order that authorizes non-party Saratoga National Bank & Trust Company (“SNB”) to

turn over funds held in the account maintained at SNB in the name of Defendant, Carioto Produce, Inc., ending in 7159 (the “Account”), which is subject to the trust provisions of the Perishable Agricultural Commodities Act of 1930 (“PACA”), as amended, 7 U.S.C. §499e(c), pursuant to the terms of a Stipulation. After reviewing the motion and the parties’ Stipulation for the relief requested, the Court ORDERS:

1. The motion is GRANTED.
2. No later than five (5) business day after receiving this Order, SNB shall turn over all funds from the Account and transmit the funds by cashier’s check, certified check, wire, or ACH to Meuers Law Firm, P.L. IOLTA Trust Account, and deliver the funds to 5395 Park Central Court, Naples, FL 34109, subject to the terms of the Stipulation.
3. Meuers Law Firm, P.L. shall hold such funds in escrow for *pro-rata* distribution to Plaintiff, Intervening Plaintiffs, and non-party produce creditors Joseph A. Cimino Food Brokers, Inc., and Taylor Farms California, Inc., based on the amounts of their valid PACA trust claims, or by other agreement among such persons.
4. No later than three (3) business days after receiving such funds, Meuers Law Firm, P.L. shall notify the Court that SNB has complied with this Order.
5. Plaintiffs and Intervening Plaintiffs shall serve this Order upon Defendants, Carioto Produce, Inc., Gregory Carioto, and Anthony Carioto, and SNB by email, facsimile transmission, priority mail, personal service, or delivery service.
6. This Order binds the parties to this action, and any other person or entity receiving this Order by email, facsimile transmission, priority mail, personal service, or delivery service.

Signed on April 7, 2022, at Syracuse, New York

  
Hon. Glenn T. Suddaby  
Chief U.S. District Judge